

## **REMARKS**

Claims 1-11 were pending in the application. Claim 3 is amended to recite an independent claim and includes the limitations of claims 1 and 2. Claim 4 is amended to depend from claim 3. Claim 5 is amended to recite an independent claim, including the limitations of original claims 1 and 4. Claim 6 is amended to recite an independent claim, including the limitations of original claim 1. Claim 8 is amended to recite an independent claim, including the limitations of original claim 1. Claim 10 is amended to depend from claims 3 to 9. Claim 11 is amended to depend from claims 3-9 and new claim 12. Claims 1-11 are amended to improve grammar. New claim 12, depending from claims 5, 6, and 8 and reciting the limitation of claim 3, is added. Support for the amendments to the claims may be found, for example, in the claims as originally filed. No new matter is added. Claims 1 and 2 are canceled.

The specification is amended to include headings in accordance with U.S. practice, including cross-reference to German Patent Application DE 102004009782.8, filed February 28, 2004 to which this application claims priority. No new matter is added.

### **Allowable Subject Matter**

Applicant thanks the Examiner for indicating that claims 3 and 5-10 would be allowable if rewritten in independent form to include the limitations of the base claim and any intervening claims.

In conformity with the Examiner's recommendation, the claims are amended such that claim 3 recites an independent claim reciting a list of specific cationic heteroarylazine dyes, which inherently includes the limitations of original claims 1 and 2. Additionally, claims 5, 6, and 8 are amended to recite independent claims including the limitations of their respective base claims and any intervening claims.

Claim 4 is amended to depend from claim 3. Accordingly, Applicant respectfully requests that claim 4 be allowed. The remaining dependent claims, including new claim 12, depend directly or indirectly from one or more of claims 3-9.

Applicant respectfully requests that claims 3-12 be allowed.

### **Claims Rejections 35 U.S.C. 102**

Claims 1, 2, 4 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by David et al. (GB 885-521). The Examiner's rejection has been carefully considered.

Claims 1 and 2 are canceled. Claim 4 is amended to depend from claim 3 and claim 11 is amended to depend from one of claims 3-9 and 12. New claim 12 depends from one of claims 5, 6, and 8. Accordingly, Applicant respectfully requests that the rejection of claims 3-12 as amended, be withdrawn.

### **Claims Rejections 35 U.S.C. 103**

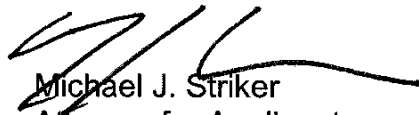
Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Badische et al. (GB 808,308). The Examiner's rejection has been carefully considered. Claims 1 and 2 are canceled.

### **Conclusion**

The application in its amended state is believed to be in condition for allowance. Action to this end is courteously solicited. Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call

in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M. Striker", with a long horizontal flourish extending to the right.

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